

SEP 13 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: RICHTER, Virginia Pact, et al.

Application No.: 09/940,309

Date Filed: August 27, 2001

Title: TREATMENT OF
MOVEMENT DISORDERS BY
ADMINISTRATION OF 5-
HYDROXYTRYPTAMINE
RECEPTOR/ α_2 ADRENERGIC
RECEPTOR ANTAGONIST
COMPOSITIONS

Docket No.: 4164-101 CON

Examiner: SPIVACK, Phyllis
G.

Art Group: 1614

Confirm. No.: 5504

Customer No.:

23448

FACSIMILE TRANSMISSION CERTIFICATE

I hereby certify that I am filing this document in the United States Patent and Trademark Office on September 13, 2005, addressed to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, and transmitted to USPTO Central Facsimile Number (571) 273-8300 on such date.

Steven J. Hultquist

PAGES TRANSMITTED: 16

**CONFIRMATORY RESUBMISSION OF SEPTEMBER 8, 2005 AMENDMENT
RESPONDING TO JUNE 8, 2005 OFFICE COMMUNICATION IN UNITED STATES
PATENT APPLICATION NO. 09/940,309, IN CONSEQUENCE OF NON-RECEIPT OF
AUTO-REPLY TO INITIAL SUBMISSION ON SEPTEMBER 8, 2005**

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On September 8, 2005 the undersigned attorney filed an Amendment responding to the June 8, 2005 Office Communication in the above-identified application, by facsimile transmission to USPTO central fax number (571) 273-8300.

No auto-reply was received from the USPTO for such fax-filed document, despite indication from the undersigned attorney's facsimile machine that transmission of the six-page document, begun at 10:21 p.m., and completed at 10:23 p.m. after 2 minutes 29 seconds of transmission, had been successfully concluded.

Since the auto-reply had not been received by Monday, September 12, 2005, the undersigned attorney directed Kate Turner, a paralegal in his office, to contact Paul Labazzetta of the USPTO to secure such auto-reply. Mr. Labazzetta responded that he did not see an auto-reply being attempted for this fax, and suggested that the undersigned attorney contact the group art unit, or try resending the fax. Mr. Labazzetta also stated that he was sending an e-mail to the USPTO Rightfax group to see if that group could locate the auto-reply document.

No subsequent response was received from the USPTO, and the undersigned attorney on September 12, 2005 telephoned examiner Phyllis Spivak, the examiner for this application, to determine if the Amendment had been received by her, or by anyone else in her group art unit. Ms. Spivak was not at her telephone, and a voicemail was left, requesting call-back.

As of September 13, 2005, no response from the USPTO has been received, concerning the Amendment. Accordingly, the following documents are enclosed:

a true and exact copy of said Amendment as filed on September 8, 2005 (Appendix A);

a true and exact copy of the fax report of the undersigned attorney's facsimile machine, documenting the facsimile transmission of the Amendment on September 8, 2005, as aforesaid (Appendix B); and

a true and exact copy of the e-mail correspondence between the undersigned attorney's paralegal, Kate Turner, and Paul Labazzetta of the USPTO on September 12, 2005, documenting the subsequent efforts to obtain the auto-reply from the USPTO (Appendix C).

It therefore is again requested that the USPTO furnish the undersigned attorney with an auto-reply for the September 8, 2005 fax filing in the USPTO of the Amendment responding to the June 8, 2005 Office Communication, and that the Amendment be expeditiously taken up by

Examiner Spivak, in view of the finality of the office action to which the Amendment is responsive, and to compensate for any USPTO delay in forwarding the document fax-filed on September 8, 2005 to Examiner Spivak.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants

INTELLECTUAL PROPERTY/
TECHNOLOGY LAW
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4164-101 CON